

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

DANIEL J. TAMAYO, #48580 §  
VS. § CIVIL ACTION NO. 6:09cv377  
UNITED STATES OF AMERICA § CRIM. NO. 6:02CR58(1)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

**ORDERED** that the motion to vacate, set aside or correct a sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All other motions by either party not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 23rd day of September, 2009.**



**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**